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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Report of the Fifth Committee

Rapporteur: Ms. Nicole Ann **Mannion** (Ireland)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" and to allocate it to the Fifth Committee.

2. The Fifth Committee considered the item at its 25th and 27th meetings, on 16 and 23 December 2010. Statements and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/65/SR.25 and 27).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens

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Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2010-2011 (A/65/178);

(b) Report of the Secretary-General on the first performance report of the International Criminal Tribunal for Rwanda for the biennium 2010-2011 (A/65/578);

(c) Related report of the Advisory Committee on Administrative and Budgetary Questions (A/65/616 and Corr.1).

II. Consideration of draft resolution A/C.5/65/L.18

4. At its 27th meeting, on 23 December, the Committee had before it a draft resolution entitled "Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994" (A/C.5/65/L.18), submitted by the Chair of the Committee on the basis of informal consultations coordinated by the representative of New Zealand.

5. At the same meeting, the Committee adopted draft resolution A/C.5/65/L.18 without a vote (see para. 6).

III. Recommendation of the Fifth Committee

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

The General Assembly,

Having considered the report of the Secretary-General on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2010-2011[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2010-2011,[2]

Having also considered the report of the Board of Auditors on the International Criminal Tribunal for Rwanda and the recommendations contained therein,[3]

Having further considered the related report of the Advisory Committee on Administrative and Budgetary Questions,[4]

Recalling its resolution 49/251 of 20 July 1995 on the financing of the Tribunal and its subsequent resolutions thereon, the latest of which was resolution 64/239 of 24 December 2009,

1. *Takes note* of the report of the Secretary-General on the revised estimates relating to the budget of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2010-2011[1] and his first performance report on the International Criminal Tribunal for Rwanda for the biennium 2010-2011;[2]

2. *Endorses* the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions,[4] subject to the provisions of the present resolution;

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[1] A/65/178.

[2] A/65/578.

[3] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 5K* (A/65/5/Add.11), chap. II.

[4] A/65/616 and Corr.1.

3. *Decides* on a revised appropriation to the Special Account for the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994, of a total amount of 257,804,100 United States dollars gross (235,327,400 dollars net) for the biennium 2010-2011, as detailed in the annex to the present resolution;

4. *Also decides*, for the year 2011, to apportion among Member States, in accordance with the scale of assessments applicable to the regular budget of the United Nations for the year, the amount of 67,578,100 dollars gross (60,852,075 dollars net), including 6,254,150 dollars gross (4,040,450 dollars net), being the increase in assessments;

5. *Further decides*, for the year 2011, to apportion among Member States, in accordance with the rates of assessment applicable to peacekeeping operations for the year, the amount of 67,578,100 dollars gross (60,852,075 dollars net), including 6,254,150 dollars gross (4,040,450 dollars net), being the increase in assessments;

6. *Decides* that, in accordance with the provisions of its resolution 973 (X) of 15 December 1955, there shall be set off against the apportionment among Member States, as provided for in paragraphs 4 and 5 above, their respective share in the Tax Equalization Fund in the amount of 13,452,050 dollars, including 4,427,400 dollars, being the increase of the estimated staff assessment income approved for the Tribunal for the biennium 2010-2011;

7. *Recognizes* the critical importance of retaining highly skilled and experienced staff members with relevant institutional memory in order to successfully complete the trials and meet the targets set out in the completion strategy of the Tribunal;

8. *Reaffirms* paragraph 5 of its resolution 63/256 of 24 December 2008 and paragraph 6 of section II of its resolution 64/239, and requests the Secretary-General to utilize his existing authority under the existing contractual framework to offer contracts to staff, taking into account the needs of the Tribunal;

9. *Also reaffirms* paragraph 7 of section II of its resolution 64/239, and reiterates its request to the Secretary-General to explore the possibility of employing at the United Nations, should their services be required, staff who remain with the Tribunal until the completion of its mandate or their services are no longer needed;

10. *Welcomes* the efforts of the Secretary-General to facilitate the selection of staff of the Tribunal who are subject to downsizing;

11. *Reiterates* the importance of carrying out an effective outreach programme within the overall mandate of the Tribunal and its completion strategy, and requests the Tribunal, in accordance with its mandate and in consultation with the Department of Public Information of the Secretariat, to continue to develop and implement outreach programmes that are proactive, utilizing available resources optimally, and that contribute to the reconciliation process by effectively developing an increased understanding of its work;

12. *Encourages* the Secretary-General to continue to explore measures to raise adequate voluntary resources to fund the outreach programme.

Annex

Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 for the biennium 2010-2011

	Gross	*Net*
	(United States dollars)	
Initial appropriation for the biennium 2010-2011 (resolution 64/239)	245 295 800	227 246 500
Add./		
Revised estimates for the biennium 2010-2011 after recosting (A/65/178)	31 268 500	27 973 300
First performance report for the biennium 2010-2011 (A/65/578)	(18 760 200)	(19 892 400)
Recommendations of the Advisory Committee on Administrative and Budgetary Questions (A/65/616 and Corr.1)	(2 088 000)	(2 088 000)
Recommendations of the Fifth Committee	2 088 000	2 088 000
Revised appropriation for the biennium 2010-2011	**257 804 100**	**235 327 400**
Assessment for 2010	(122 647 900)	(113 623 250)
Balance to be assessed for 2011	**135 156 200**	**121 704 150**
Including:		
Contributions assessed on Member States in accordance with the scale of assessments applicable to the regular budget of the United Nations for 2011	67 578 100	60 852 075
Contributions assessed on Member States in accordance with the rates of assessment applicable to peacekeeping operations of the United Nations for 2011	67 578 100	60 852 075